

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CURTIS LEE SHEPPARD, JR. §
VS. § CIVIL ACTION NO. 1:20-CV-270
SENIOR WARDEN KIRK ETIEFER, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Curtis Lee Sheppard, Jr., proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Senior Warden, Kirk Etiefer, Assistant Warden, Penny Kempt, and Assistant Warden, Charles O'Meador, II, all employed with the Texas Department of Criminal Justice at the Michael Unit in Tennessee Colony, Texas.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

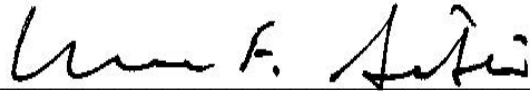
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff's complaint pertains to the conditions of confinement at the Michael Unit in Tennessee Colony, Texas. Tennessee Colony, Texas is located in Anderson County which is located in the Eastern District, Tyler Division. It is clear that all of the events or omissions giving rise to

his claims occurred in the Eastern District of Texas, Tyler Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Eastern District of Texas, Tyler Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 22nd day of June, 2020.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE